

OPINION 1798

Rivulus marmoratus* Poey, 1880 (Osteichthyes, Cyprinodontiformes): given precedence over *R. ocellatus* Hensel, 1868, and a neotype designated for *R. marmoratus

Ruling

- (1) Under the plenary powers:
 - (a) all previous fixations of type specimen for the nominal species *Rivulus marmoratus* Poey, 1880 are hereby set aside and specimen no. 37429 in the United States National Museum, Washington, D.C., is designated as the neotype;
 - (b) the specific name *marmoratus* Poey, 1880, as published in the binomen *Rivulus marmoratus*, is hereby given precedence over the specific name *ocellatus* Hensel, 1868, as published in the binomen *Rivulus ocellatus*, whenever the two names are considered to be synonyms.
- (2) The following names are hereby placed on the Official List of Specific Names in Zoology:
 - (a) *marmoratus* Poey, 1880, as published in the binomen *Rivulus marmoratus* and as defined by the neotype designated in (1)(a) above, with the endorsement that it is to be given precedence over *ocellatus* Hensel, 1868, as published in the binomen *Rivulus ocellatus*, whenever the two names are considered to be synonyms;
 - (b) *ocellatus* Hensel, 1868, as published in the binomen *Rivulus ocellatus*, with the endorsement that it is not to be given priority over *marmoratus* Poey, 1880, as published in the binomen *Rivulus marmoratus*, whenever the two names are considered to be synonyms.

History of Case 2722

An application to conserve the specific name of *Rivulus marmoratus* Poey, 1880 by the suppression of the senior name *R. ocellatus* Hensel, 1868 was received from Drs Kenneth J. Lazara (*United States Merchant Marine Academy, Kings Point, N. Y., U.S.A.*) and Michael L. Smith (*American Museum of Natural History, New York, N. Y., U.S.A.*) on 3 May 1989. After correspondence the case was published in BZN 47: 191–194 (September 1990). Notice of the case was sent to appropriate journals.

A comment by Dr Lothar Seegers (*clo Zoologisches Forschungsinstitut und Museum A. Koenig, Bonn, Germany*), published in BZN 48: 150–151 (June 1991), agreed with the synonymy of *marmoratus* and *ocellatus* but opposed the use of the junior name. A reply by the authors of the application was published at the same time.

The original application was sent to the Commission for voting on 1 December 1991 and received the necessary two-thirds majority for approval (20 votes in favour, 8 against and 1 abstention). A number of Commissioners voting against the proposals commented on their voting papers. Hahn commented: 'Specialists do not agree on the suppression of *Rivulus ocellatus*, as the comments have shown. Therefore it would be better to give precedence to *R. marmoratus* over *R. ocellatus* if the two are interpreted as synonyms, rather than to suppress *ocellatus*'. Lehtinen commented:

'The existence of type material is essential in taxonomic work. In making the choice between a name defined by type material and a name without, arguments in favour of the latter alternative must be really strong'. Martins de Souza commented: 'According to my colleagues of the ichthyological section in this [the University of São Paulo] Museum, the taxonomy of this genus is confused and is currently being revised by Dr W.J.E.M. Costa. They do not believe that *R. marmoratus* and *R. ocellatus* are conspecific; Costa (1990) considered them as separate species and the suppression of *ocellatus* would cause much confusion'. Nye commented: 'The senior synonym has had usage as the valid name within the past eight, let alone 50, years'. Ride commented: 'Lazara & Smith should designate a neotype for *R. marmoratus* despite their assertion (BZN 48: 151–152) that the species can be identified from the description. As long as there is no known type the name will not be fully stable'. Dupuis abstained on the grounds that the case involved taxonomic rather than nomenclatural issues.

A comment from Dr Wilson J.E.M. Costa (*Universidade Federal do Rio de Janeiro, Cidade Universitária, Rio de Janeiro, Brazil*), published in BZN 51: 46–47 (March 1994), noted that the taxonomic status of the nominal species (including *ocellatus*, *marmoratus*, *bonairensis* Hoedeman, 1958 and *caudomarginatus* Seegers, 1984) which comprise the species-complex was still uncertain, and that it would be premature to suppress the name *ocellatus*.

In response to the comments by Commissioners and by Dr Costa, Drs Lazara & Smith (BZN 51: 47–48) revised their original proposals so as to request that *marmoratus* be given precedence over *ocellatus* if the names are synonymized, rather than that the latter name be suppressed, and proposed the designation of a neotype (specimen USNM 37429) for *marmoratus*.

On 1 September 1994 the revised proposals, published on BZN 51: 48, were offered for voting. It was noted on the voting paper that on their approval by the Commission *marmoratus* becomes the valid name for the species if this is not taxonomically divided; if differentiated, *ocellatus* remains available for use as a specific or subspecific name. Treated as subspecies, *ocellatus*, *bonairensis* and *caudomarginatus* become *R. marmoratus ocellatus*, *R. m. bonairensis* and *R. m. caudomarginatus*.

Decision of the Commission

On 1 September 1994 the members of the Commission were invited to vote on the revised proposals published in BZN 51: 48. At the close of the voting period on 1 December 1994 the votes were as follows:

Affirmative votes — 21: Bayer, Bock, Bouchet (part), Cocks, Cogger, Corliss, Hahn, Heppell, Holthuis, Lehtinen, Macpherson, Mahnert, Martins de Souza, Minelli, Nielsen, Nye, Schuster, Starobogatov, Thompson, Trjapitzin, Willink

Negative votes — 3: Kabata, Savage and Štys.

No votes were received from Halvorsen and Uéno.

Dupuis, Kraus and Ride were on leave of absence.

Bouchet voted in favour of the neotype designation for *Rivulus marmoratus* but against giving *marmoratus* precedence over *ocellatus*. Štys commented: 'This is a case involving a group with unsettled taxonomy. In my view a change in precedence of the specific and subspecific names would be more confusing for ichthyologists than a simple adherence to the principle of priority'.

Original references

The following are the original references to the names placed on an Official List by the ruling given in the present Opinion:

marmoratus, *Rivulus*, Poey, 1880, *Anales de la Sociedad Española de Historia Natural*, 9(2): 248.
ocellatus, *Rivulus*, Hensel, 1868, *Archiv für Naturgeschichte Wiegman*, 34(1): 365.